

Notice of Allowability	Application No.	Applicant(s)
	09/666,194	KORN, JEFFREY A.
	Examiner <i>DJP 7/26/04</i> Daniel J Petkovsek	Art Unit 2874
		<i>RL</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to after final amendment received July 20, 2004.
2. The allowed claim(s) is/are 1-11, 13, 14, 20-25, 27-35, 37, 39, and 41-48.
3. The drawings filed on 03 May 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Brian Healy
Brian Healy
Primary Examiner

DETAILED ACTION

This office action is in response to the after final amendment received July 20, 2004. In accordance with the amendment, claims 9, 13, 14, 20, 27, and 37 have been amended, while claims 12, 15-19, 26, 36, 38, and 40 have been canceled. Claim 38 has mistakenly been canceled by Applicant, and has been restored as new claim 48. Claim 40 is canceled as being amended into independent claim 37.

Allowable Subject Matter

1. Claims 1-11, 13, 14, 20-25, 27-35, 37, 39, and 41-48 are allowed.

2. The following is an examiner's statement of reasons for allowance:

The relevant prior art of record does not teach or reasonably suggest that the optical alignment detects a back-reflection from the lens and/or tunable filter element (claims 1-11). The prior art detects a back-reflection from the image of the fiber 62. The relevant prior art of record does not teach or reasonably suggest that an image is generated from both lenses, and each image created causes an adjustment of each respective lens to improve optical alignment (claims 21-25).

Regarding new independent claims 13 and 37, the relevant prior art of record does not teach or reasonably suggest the optical signal source emitting radiation at a *frequency not coinciding* with a resonant peak of the tunable filter element. Regarding new independent claim 14, the relevant prior art of record does not teach or reasonably suggest the reflective element to be *insertable/moveable* so that it is orthogonal to the optical axis of the system. Regarding new independent claims 20 and 27, the relevant prior art of record does not teach or reasonably

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Claim 48 is created since Claim 38 has been mistakenly canceled by the Applicant. Claim 39 must be amended since Claim 38 no longer exists, which it is dependent upon.

*Approved for entry
Jewett
7/28/04*

The application has been amended as follows:

39. (Currently Amended) An alignment system as claimed in claim [38] 48, wherein the reflective element is insertable such that it is orthogonal to an axis of an optical path of the optical system.

48. (Formerly claim 38) An alignment system as claimed in claim 37, further comprising a reflective element in an optical link that produces back-reflections that are detected by the optical signal detector.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DPP
Daniel Petkovsek
July 27, 2004

B. Healy

Brian Healy
Primary Examiner

suggest *detecting a ratio between two optical modes*, and aligning the system to minimize the ratio.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

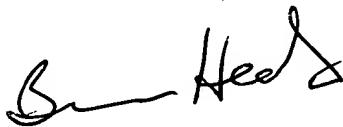
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Daniel Petkovsek
July 27, 2004


Brian Healy
Primary Examiner